

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DEBTORS' OBJECTION TO CLAIM NUMBER 22

The Debtors, James S. Wilson and Diane M. Wilson (collectively, the “**Debtors**”), by counsel, hereby file their Objection to Claim Number 22 (the “**Objection**”) filed by Jeanette W. Logan, Administrator of the Estate of Alice S. Wilson (the “**Claimant**”) and move this Court, pursuant to sections 105 and 502 of Title 11 of the United States Code (the “**Bankruptcy Code**”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), for entry of an order granting the relief sought by this Objection. In support of this Objection, the Debtors respectfully state as follows:

Jurisdiction

1. This Court has jurisdiction to consider this Objection under 28 U.S.C. §§ 157 and
1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue of this bankruptcy case and
this Objection in the United States Bankruptcy Court for the Eastern District of Virginia is
proper under 28 U.S.C. §§ 1408 and 1409.

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2. The statutory and legal predicates for the relief requested herein are sections 105 and 502 of the Bankruptcy Code, Bankruptcy Rule 3007, and Local Bankruptcy Rule 3007-1.

Background

3. On November 19, 2014 (the “**Petition Date**”), the Debtors commenced with this Court a voluntary case under Chapter 13 of the Bankruptcy Code.

4. As set forth in the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines (the “**Notice of Filing**”) [Docket No. 5], and as indicated on the case docket, the deadline for filing non-governmental proofs of claim was March 18, 2015.

5. The Debtors’ chapter 13 plan was filed December 3, 2014 [Docket No. 11].

6. The Debtors filed an amended chapter 13 plan (the “**Plan**”) on January 6, 2015 [Docket No. 19].

7. The Plan was confirmed February 24, 2015 [Docket No. 26].

8. On February 17, 2015, the Claimant filed a Complaint (the “**Complaint**”) against the Debtors, thus commencing an adversary proceeding, Case No. 15-03032-KRH (the “**Adversary Proceeding**”).

9. Debtors filed a Motion to Dismiss the Adversary Proceeding, and upon the hearing of the Motion to Dismiss, the Claimant was granted leave to file an Amended Complaint and proof of claim.

10. In the Debtors’ bankruptcy schedules, filed on December 3, 3015 [Docket No. 9], the Claimant’s claim is listed as \$1.00 and is designated both “disputed” and “unliquidated.”

11. On May 20, 2014, the Claimant filed a proof of claim for an unliquidated claim against the Debtors in the amount of \$101,716.27 (the “**Claim**”) [Claim No. 22].

12. On July 29, 2014, the Court denied the Claimant's Motion for Relief from Stay to pursue litigation in state court and set a trial date of November 19, 2015 for the hearing on the Amended Complaint in the Adversary Proceeding.

Objections to Claim

13. By this Objection and as more fully set forth below, the Debtors seek entry of an order, pursuant to sections 105(a) and 502 of the Bankruptcy Code and Bankruptcy Rule 3007, disallowing the Claim.

14. The Debtors object to the Claim insofar as it is unliquidated and the validity and dischargeability of the Claim are set for hearing before this Court on November 19, 2015.

15. The Debtors object to the Claim insofar as it is unsupported by the allegations in the exhibits attached to the Claim.

16. The Debtors object to the Claim insofar as it fails to recognize or account for amounts received by Alice S. Wilson and her estate, which set off or offset the amounts demanded in the Claim.

17. The Debtors object to the Claim insofar as the denials to the Amended Complaint and affirmative defenses set forth in the Debtors' Answer to the Amended Complaint filed in the Adversary Proceeding, which are incorporated herein, preclude liability on the Claim.

Reservation of Rights

18. At this time, the Debtors have not completed their review of the validity of the Claim. Accordingly, the Claim may be the subject of additional subsequently-filed objections. To that end, the Debtors reserve the right to further object to any and all claims, whether or not the subject of this Objection, for allowance, voting, and/or distribution purposes, and on any

other grounds. Furthermore, the Debtors reserve the right to modify, supplement, and/or amend this Objection as it pertains to any claim or claimant herein.

No Prior Relief

19. No previous request for the relief sought herein has been made to this Court or any other court.

Waiver of Memorandum of Law

20. The Debtors respectfully request that the Court treat this Objection as a written memorandum of points and authorities and waive any requirement that this Objection be accompanied by a written memorandum of points and authorities as required by Local Bankruptcy Rule 9013-1(G). The Debtors reserves their right to file a brief in reply to any response to this Objection.

WHEREFORE, for the reasons set forth herein, the Debtors respectfully request that the Court enter an order granting the relief requested herein, sustaining the Objection and granting such other and further relief as is just and proper.

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Date: July 31, 2015

JAMES S. WILSON
DIANE M. WILSON

By: /s/ Nathaniel L. Story
Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2015, a true and complete copy of the foregoing Objection was filed and served electronically using the Bankruptcy Court's CM/ECF System and was further served via first-class mail on the parties listed below:

Jennette W. Logan
Administrator of the Estate of Alice S. Wilson
c/o Robert A. Canfield, Esquire
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/s/ Nathaniel L. Story